

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANDELA BROCK,

Plaintiff,

-against-

MARK ZUCKERBERG (IN HIS INDIVIDUAL
AND CORPORATE CAPACITY); FACEBOOK
INC.; SHERYL SANDBERG (IN HER
INDIVIDUAL AND CORPORATE CAPACITY);
JOHN DOE 1-100 (IN HIS INDIVIDUAL
CAPACITY); JANE DOE 1-100 (IN HER
INDIVIDUAL CAPACITY),

Defendants.

20-CV-7513 (LJL)

ORDER OF SERVICE

LEWIS LIMAN, United States District Judge:

Plaintiff, appearing *pro se*, brings this action alleging that Defendants unlawfully and unconstitutionally censored his activity on Facebook. By order dated September 18, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).

DISCUSSION

A. Service on Mark Zuckerberg, Facebook, Inc., and Sheryl Sandberg

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summonses and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served

the summonses and complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date the summonses are issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants Mark Zuckerberg, Facebook, Inc., and Sheryl Sandberg through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

Plaintiff must notify the Court in writing if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

B. John Doe 1-100 and Jane Doe 1-100

Plaintiff names unidentified John Doe 1–100, and Jane Doe 1–100 in the caption of his complaint but does not plead any facts in the body of the complaint about what any of these Defendants did or failed to do that violated his rights. A *pro se* litigant is entitled under *Valentin v. Dinkins*, to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). But Plaintiff does not supply sufficient information that would allow identification of

these Defendants. Thus, the Court declines at this time to issue a *Valentin* order as to these Defendants but will revisit the matter at a later date, if necessary.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to issue summonses, complete the USM-285 forms with the addresses for Mark Zuckerberg, Facebook, Inc., and Sheryl Sandberg, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Court declines at this time to issue a *Valentin* order as to John Doe 1–100 or Jane Doe 1–100 but will revisit the matter at a later date, if necessary.

SO ORDERED.

Dated:

New York, New York



LEWIS LIMAN
United States District Judge

9/25/2020

DEFENDANTS AND SERVICE ADDRESSES

1. Mark Zuckerberg
1601 Willow Road
Menlo Park, California 94025
2. Facebook, Inc.
1601 Willow Road
Menlo Park, California 94025
3. Sheryl Sandberg
1601 Willow Road
Menlo Park, California 94025